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Attorneys for Defendant(s),
Anton C. Pogany and Jean C. Pogany

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID R. PECK, TRUSTEE OF THE
TAMALPAIS PROPERTY TRUST,

Plaintiff,

v.

PER BESSING, ANTON C. POGANY, JEAN
C. POGANY, EDWARD J. FOTSCH, LINDA
N. FOTSCH, GOLDEN GATE NATIONAL
RECREATION AREA, NATIONAL PARK
SERVICE, GOLDEN GATE BRIDGE AND
HIGHWAY DISTRICT and DOES 1 to 30,

Defendant(s).

Case No. C 05 0960

STIPULATION REMANDING CASE TO
STATE COURT AND PROPOSED ORDER
THEREON

The parties to the above litigation by and through their undersigned counsel stipulate and agree as follows:

1. The parties filed a stipulation and proposed order re a voluntary dismissal of Defendant/Cross-Defendant/Cross-Complainant Golden Gate Bridge, Highway and Transportation District and Defendant/Cross-Defendant Golden Gate National Recreation Area, National Park Service, hereinafter referred to as the Federal Defendants, on or about April 28, 2006.

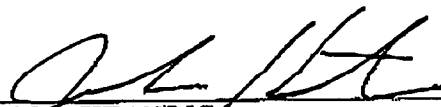
2. Once the dismissal of the Federal Defendants is entered, this court retains only ancillary jurisdiction, as all remaining defendants are residents of the State of California. The

1 remaining parties having met and conferred agree that in the present posture, specifically without
2 the Federal Defendants, this litigation should be remanded to the Marin County Superior Court.

3 3. All depositions that have previously been taken in this action will be admissible for
4 all purposes as if taken in the State Court Action

5 It is so Stipulated.

6 Dated: 5/2/06

7
8 By: 
9 JOHN B. KEATING
10 Attorney for Plaintiff,
David Peck, Trustee of the Tamalpais Property Trust

11 Dated:

12 COLOMBATTO & KLIMENK, J.I.P

13
14 By: _____
15 P. RICHARD COLOMBATTO
16 Attorneys for Defendant(s),
PER BESSING

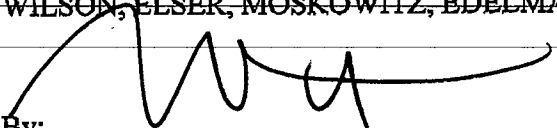
17 Dated:

18 BABBITTS & WALTER

19 By: _____
20 NANCY WALTER
21 Attorneys for Defendant(s),
EDWARD J. FOTSCH and LINDA N. FOTSCH

22 Dated: 5/2/06

23 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

24 By: 
25 WILLIAM JEMMOTT
26 Attorneys for Defendant(s),
ANTON C. POGANY AND JEAN C. POGANY

27 Order

28 The above matter is hereby remanded to Marin County Superior Court.

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6 Dated:

7
8 By: _____
9 JOHN B. KEATING
10 Attorney for Plaintiff,
11 David Peck, Trustee of the Tamalpais Property Trust

12 Dated:

13 COLOMBATTO & KLIMENKO, LLP

14 By: _____
15 P. RICHARD COLOMBATTO
16 EUNICE CHANG
17 Attorneys for Defendant(s),
18 PER BESSING

19 Dated: May 2, 2006

20 BABBITS & WALTER

21 By: _____
22 NANCY WALTER
23 Attorneys for Defendant(s),
24 EDWARD J. FOTSCH and LINDA N. FOTSCH

25 Dated:

26 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

27 By: _____
28 WILLIAM JEMMOTT
Attorneys for Defendant(s),
ANTON C. POGANY AND JEAN C. POGANY

Order

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6 Dated:

7 By: _____

8 JOHN B. KEATING
9 Attorney for Plaintiff,
10 David Peck, Trustee of the Tamalpais Property Trust

11 Dated:

12 COLOMBATTO & KLIMENK, LLP

13 By: _____

14 P. RICHARD COLOMBATTO
15 Attorneys for Defendant(s),
16 PER BESSING

17 Dated: 5/2/06

18 BABBITTS & WALTER

19 By: _____

20 NANCY WALTER
21 Attorneys for Defendant(s),
22 EDWARD J. FOTSCH and ~~EDWARD J. FOTSCH~~

23 Dated:

24 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

25 By: _____

26 WILLIAM JEMMOTT
27 Attorneys for Defendant(s),
28 ANTON C. POGANY AND JEAN C. POGANY

Order

The above matter is hereby remanded to Marin County Superior Court.

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Stipulation Remanding Case to State Court

213941.1

IT IS SO ORDERED

Dated: 5/5 2006

By: _____

HONORABLE
United States

